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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,388	08/29/2000	Ilario A. Coslovi	5699-15	8495

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EXAMINER

JULES, FRANTZ F

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/650,388

Applicant(s)

COSLOVI ET AL.

Examiner

Frantz F. Jules

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33-46 is/are allowed.
- 6) ☒ Claim(s) 3-10, 12-15, 18, 20, 23-26 and 28-32 is/are rejected.
- 7) ☒ Claim(s) 11, 16, 17, 19, 21, 22 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. The finality of the office action is hereby withdrawn in light of applicant's argument regarding the rejection of claims 4 and 8 which were previously indicated as allowable. In view of the amendment filed on 11/12/03, PROSECUTION IS HEREBY REOPENED. This action is a non-final rejection. To avoid abandonment of the application, appellant must exercise the following option:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 3-7, 9-10, 13-15, 20, 23, 24-26, 29-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Black, Jr et al (US 5,782,187).

Claims 3-7, 9-10, 13-15, 20, 23, 24-26, 29-32

Black Jr et al teach all the limitations of claims 3-7, 9-10, 13-15, 20, 23, 24-26, 29-32 by showing in figs 1-9, a railroad car bridge plate operable to permit a vehicle to be conducted between two rail road cars, said bridge plate comprising a beam (32) locatable in a longitudinal orientation of sufficient length to span a gap between a pair of adjacent railroad cars (22a, 22b), said beam (32) having an upwardly facing track

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surface or flange (34) for vehicle to ride on, said beam (16) having a first pivot fitting (106a) which is a linear extension slot allowing mounting of the beam to the railroad car (22a, 22b), said beam having a second fitting (106b) for engaging a second railroad car (22b), said fittings being operable to accommodate yawing of said beam relative to the first or second railroad cars (22a, 22b) when said beam is located in the longitudinal orientation since a polymeric sleeve 111 is provided around the studs as shown in fig. 8 for low friction sliding of the studs 102a and 102b within their respective slots 106a and 106b as disclosed in col. 9, lines 51-53;

and the railroad cars in motion and one of said first and second fittings and said fitting permitting movement in a cross-wise orientation relative to the first railroad car when said beam is disengaged from the second railroad car. The yawing motion of the beam in a direction transverse to the longitudinal plane of the railcars will result whenever the two railroad cars are to be disconnected since a polymeric sleeve 111 is provided around the studs as shown in fig. 8 for low friction sliding of the studs 102a and 102b within their respective slots 106a and 106b as disclosed in col. 9, lines 51-53.

Said fitting consisting of collars (111, 102) for receiving a vertical pivot pin (105), said bridge plate being translatable relative to said second axis and one of the pivot pins being disengageable if proper tooling is available to loosen pin 105 from the collars as shown in fig. 8.

Claim Rejections - 35 USC § 103

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8, 12, 18, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Black Jr et al'187 in view of Thompson'478.

Claims 8, 12, 18, 28

Black Jr et al teach all the limitations of claim 8, 12, 18, 28 except for a railroad car bridge plate having traction bars on the upper surface and a hand grab mounted thereto. The general concept of using traction bars on the top surface of an Aluminum bridge plate assembly of two railroad car units is well known in the art as illustrated by Bell et al, see fig. 1, column 1, lines 60-67, column 2, lines 49-51. Also, the general concept of adding a hand grab to the bridge plate assembly of a railroad car unit is well known in the art as illustrated by Thompson'478. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Black Jr et al to include the use of traction bars on the top surface of an Aluminum bridge plate assembly in his advantageous bridge plate as taught by Bell et al in order reduce slippage on the bridge plate assembly thereby increasing safety. In addition, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Black Jr et al to include the use of a hand grab to the bridge plate assembly in his advantageous bridge

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plate as taught by Thompson'478 in order to facilitate rotation of the bridge plate when the railroad cars are disconnected for service.

Allowable Subject Matter

6. Claims 11,16, 17, 19, 21, 22, 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 33-46 stand allowable.

Response to Arguments

8. Applicant's arguments filed 11/12/03 have been fully considered but they are not persuasive.

A. Summary of applicant's argument

In the amendment, applicant traversed the rejection of the newly amended claims 3-10, 12-15, 18, 20, 23-26, 28-32 for the following reasons:

1. The reference cited in the 102 rejection, Black Jr et al, fails to disclose a bridge plate at the coupler and of the railroad cars.
2. The reference cited in the 102 rejection, Black Jr et al, fails to meet the limitations of a bridge plate that can be disengaged from the coupler end of the second railroad car.
3. The reference cited in the 102 rejection, Black Jr et al, fails to meet the limitations of a bridge plate that can be moved from a longitudinal orientation to a crosswise orientation.
4. The combination rejection of Black Jr et al and Thompson is improper as there is no suggestion, reason or motivation to combine the references.

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B. Response to applicant's argument

1. In response to applicant's argument number 1, it must be recognized that Black Jr et al meet all the limitations of claims 3-7, 9-10, 13-15, 20, 23, 24-26, 29-32 as explained above since Black Jr et al disclose a railroad car bridge plate that spans the gap between two railroad cars as recited in the claims. The bridge plate has been identified as item number 32 in the rejection above. Also, the connection between the bridge plate (32) and the railroad car (22) is disclosed in col. 2, lines 50-64 of the reference and as shown in Figs. 5-6, and 8. Applicant's argument that Black Jr et al fail to disclose a bridge plate spanning the gap between the coupler ends of the railroad cars is not understood as "a railroad car bridge plate operable to permit a vehicle to be conducted between respective vehicle decks of a pair of first and second longitudinally coupled rail road cars", as recited in the claims, is disclosed by Black Jr et al.
2. In response to applicant's argument No. 2, it must be recognized that the connection for the bridge plate is such that it can be disengaged from the coupler end of the second railroad car. The connection is such that the beam is disengageable from the railroad car whenever needed as explained above as shown in fig. 8 since the bridge plate is secured by bolt 105. Removal of bolt 105 permits disengagement of the bridge plate from the end of the railcar.
3. In response to applicant's argument No. 3, it must be recognized that the bridge plates are fully capable of moving from a longitudinal orientation to a crosswise orientation since a polymeric sleeve 111 is provided around the studs as shown in fig. 8 for low friction sliding of the studs 102a and 102b within their respective slots 106a and

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106b as disclosed in col. 9, lines 51-53. The slot is wide enough to permit the bridge plate to slide through and in a similar manner rotation of the bridge plate is in no way hindered by the slot or any of the structure on the railroad car. Thus, the limitation of "said fittings being operable to accommodate yawing of said beam relative to the first railroad car (22a, 22b) when said beam is located in the longitudinal orientation and the railroad cars are in motion" is fully met by Black et al.

4. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, a person of ordinary skill in the art would have been motivated to incorporate the teaching of the handle of Thompson into Black Jr et al for the purpose of rotating the bridge plate out of position during service of the railroad cars and come up with the claim invention.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 308-8780. The examiner can normally be reached on Monday-Thursday and every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 308-0230. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Frantz F. Jules
Examiner
Art Unit 3617

FFJ

December 10, 2003

FRANTZ F. JULES
PATENT EXAMINER
